

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2002-00879  
**DATE OF DETERMINATION:** December 3, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: August 27, 2002  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-16-59.0880 lon:74-13-31.0440  
Approximate size of site/property (including uplands) in acres 152.9  
Name of waterway or watershed: Unnamed Tributary to Trout Brook

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.085								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2002-00879

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 152.9

The jurisdictional waters on site consist of (check as many as are appropriate):

X Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PFO1E, PFO1C, PSS1E

Total acres of jurisdictional waters on site: 17.093

Position of jurisdictional waters in landscape and watershed:

Wetlands and streams located in valleys between hills

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Mostly undeveloped

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (WX)

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.005

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is impounded behind rock wall, approximately 125 feet from and 10 feet higher than nearest waters of U.S.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (WZ)

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.08

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is located on a hillside plateau, approximately 75 feet from and 4 feet higher than nearest waters of U.S.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00723  
**DATE OF DETERMINATION:** December 3, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: July 28, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-14-27.9600 lon:74-22-46.2000  
Approximate size of site/property (including uplands) in acres 47.53  
Name of waterway or watershed: Unnamed Tributary to Wawayanda Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.14								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2004-00723**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 47.53

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM1Cd, PEM1Ad, PEM1E, PSS1Ad

Total acres of jurisdictional waters on site: 14.23

Position of jurisdictional waters in landscape and watershed:

Flat abandoned fields, some associated with intermittent streams.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # 1 (C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM1E

Acres of this NJD aquatic resource within property: 0.14

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Abandoned farm pond, approximately 120 feet from and 2 feet higher than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-00981  
**DATE OF DETERMINATION:** December 6, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: October 22, 2003  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-28-18.9840 lon:74-24-23.0040  
Approximate size of site/property (including uplands) in acres 44.774  
Name of waterway or watershed: Unnamed Tributary to Masonic Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.157								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-00981

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 44.774

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1E

Total acres of jurisdictional waters on site: 12.582

Position of jurisdictional waters in landscape and watershed:

Wetlands at bottom of hill, impounded behind roads.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS1E

Acres of this NJD aquatic resource within property: 0.157

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located on hillside, within abandoned cement foundation. Located approximately 500 feet from and 42 feet higher than nearest waters of the U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01204  
**DATE OF DETERMINATION:** December 6, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: December 4, 2003  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-11-28.2120 lon:74-11-46.6080  
Approximate size of site/property (including uplands) in acres 51.231  
Name of waterway or watershed: Unnamed Tributary to Ramapo River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.044								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-01204

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 51.231

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1E

Total acres of jurisdictional waters on site: 3.07

Position of jurisdictional waters in landscape and watershed:

Wetlands located in drainage courses along mountain-side

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Undeveloped

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (BB)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.034

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Low-spot, surrounded by uplands, approximately 250 feet from and 10 feet higher than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (CC)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.010

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Low-spot, surrounded by uplands, approximately 150 feet from and 50 feet higher than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00429  
**DATE OF DETERMINATION:** December 6, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** June 16, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-18-40.3200 lon:74-32-28.2840  
Approximate size of site/property (including uplands) in acres: 145.241  
Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.05								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2004-00429**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 145.241

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO

Total acres of jurisdictional waters on site: 16.3

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with stream channels

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Active agricultural

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.05

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approximately 100 feet from and 6 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00253  
**DATE OF DETERMINATION:** December 7, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: September 15 and  
(Y/N) November 9, 2004

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Albany  
Center coordinates of site by latitude & longitude coordinates: lat:42-38-49.8840 lon:73-54-29.2320  
Approximate size of site/property (including uplands) in acres 187.97  
Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			3.18						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-00253

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 187.97

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 11.47

Position of jurisdictional waters in landscape and watershed:

Depressional wetlands and groundwater charged impoundments (ponds), hydrologically connected by surface flow or pipe to unnamed tributary system to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Wetlands and uplands part of former golf course and sand and gravel mine site, entire site has been disturbed due to these activities. Currently abandoned, showing signs of recent agricultural use.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 1.28

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 125 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

\_\_\_\_\_  
The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 150 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

\_\_\_\_\_  
The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

CENAN-OP-R  
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Isolated, intra-state water # 3 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.49

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 200 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 4 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.25

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 900 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 5 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.08

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 1200 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

CENAN-OP-R  
APPLICATION NO. 2004-00253

Isolated, intra-state water # 6 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.91

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 25 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource ☐ is ☒ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 7 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.11

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater charged depressional wetland located 25 feet from closet jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00773  
**DATE OF DETERMINATION:** December 7, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: August 18, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-26-57.9120 lon:74-3-12.5280  
Approximate size of site/property (including uplands) in acres 24.03  
Name of waterway or watershed: Moodna Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		1.95							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): See site inspection report dated September 21, 2004.

CENAN-OP-R  
APPLICATION NO. 2004-00773

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 24.03

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1

Total acres of jurisdictional waters on site: 1.85

Position of jurisdictional waters in landscape and watershed:

The lower reach of Moodna Creek is on the site and it soon discharges into the Hudson River. The creek and its adjacent wetlands are in a valley, about 140 feet lower in elevation than the flatter portion of the site. The unnamed tributary and wetlands adjacent to it discharge into Moodna Creek off the site. These waters are confined by topography.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The western portion of the site was previously developed. The buildings have long been abandoned. There is a maintained utility line right-of-way in the western portion of the site. There is an old man-made ditch and berm in the center of the site. There are old stone walls throughout the site. Other than the stone walls, no other disturbance was observed in the eastern portion of the site.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1

Acres of this NJD aquatic resource within property: 1.95

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is located in the center of the site. It is over 150 feet higher in elevation than Moodna Creek, and at least 10 feet lower in elevation than the unnamed tributary and adjacent wetlands. The latter mentioned waters of the United States are 425 feet to the west of the isolated wetland and are topographically confined. There are no drainage patterns in the isolated wetlands, nor are there any man-made disturbances on the site that would indicate it was previously connected to the waters of the United States.

The aquatic resource ☐ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00953  
**DATE OF DETERMINATION:** December 8, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: October 8, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Westchester  
Center coordinates of site by latitude & longitude coordinates: lat:41-3-11.9880 lon:73-46-21.0000  
Approximate size of site/property (including uplands) in acres 185  
Name of waterway or watershed: Bronx River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.65								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-00953

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 185

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 7.83.

Position of jurisdictional waters in landscape and watershed:

Depressed wetlands connected to Bronx River and Unnamed tributary

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Park area adjacent to Bronx River Parkway and Metro-North Railroad

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1-9

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.65

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Runoff charged depressed wetlands located approximately 100 feet from closest jurisdictional wetland. No discernable inlet or outlet was observed.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00713  
**DATE OF DETERMINATION:** December 8, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: 14 July 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Rockland  
Center coordinates of site by latitude & longitude coordinates: lat:41-6-14.0040 lon:74-0-2.9880  
Approximate size of site/property (including uplands) in acres: 2.17 acres  
Name of waterway or watershed: Hudson River Watershed

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.25								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-00713

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 2.17 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 0

Position of jurisdictional waters in landscape and watershed: N/A

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Developed for mainly residential use.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.25

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Hydric soils present (10YR 3/1 for "O" horizon, 10YR 3/2 for "A" horizon, standing water, Palustrine forested. Located on east side of property, this wetland is totally separated by uplands.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert X other means (ie. swale, ditch) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-00695

**DATE OF DETERMINATION:** December 8, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** **N** **Date:**  
**At the project site (Y/N)** **Y** **Date:** September 24, 2003  
and March 26, 2004

**PROJECT LOCATION INFORMATION:**

State: New York

County: Albany

Center coordinates of site by latitude & longitude coordinates: lat:42-45-30.9960 lon:73-55-0.9840

Approximate size of site/property (including uplands) in acres: 26.6

Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.025								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved **X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-00695

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 26.6

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):

\* If wetlands are present, indicate Cowardin classification: PFO/PSS

Total acres of jurisdictional waters on site: 10.2

Position of jurisdictional waters in landscape and watershed:

The wetlands are associated with an unnamed tributary to the Lisha Kill, which ultimately discharges into the Mohawk River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is comprised of undeveloped forested upland and wetland. Adjacent land use is primarily residential.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.025

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is a depressional area encompassed by upland soils. No discernable connection to a water of the United States was observed.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00242  
**DATE OF DETERMINATION:** December 14, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: June 18, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Clinton  
Center coordinates of site by latitude & longitude coordinates: lat:44-41-7.2240 lon:73-28-9.0480  
Approximate size of site/property (including uplands) in acres: 42.6  
Name of waterway or watershed: Saranac River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		2.89							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-00242

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 42.6 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 1.28

Position of jurisdictional waters in landscape and watershed:

The eastern boundary of Wetland A is the Saranac River. Wetland C is connected to the Saranac River via an intermittent stream.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Existing high school.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (B)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 2.89

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland lies between mowed high school athletic fields, forested uplands, and to the west, a road and an apartment complex. At the eastern edge of this wetland, adjacent to the athletic fields was a storm drain. Engineering drawings from the City of Plattsburgh indicated that this storm drain was part of a closed stormwater system. No evidence of any connections, either by drainage patterns, culvert or hydric soils, were found along the western boundary of this wetland. The road (Adirondack Lane) along the property to the west had no culverts in it near this wetland that may have provided a connection to a stream found behind the apartment complex.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-01003  
**DATE OF DETERMINATION:** December 16, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: October 15, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Albany  
Center coordinates of site by latitude & longitude coordinates: lat:42-36-7.1280 lon:73-48-30.4200  
Approximate size of site/property (including uplands) in acres: 6.5  
Name of waterway or watershed: Hudson River Basin

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.3								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-01003

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 6.5

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: Not Applicable

Total acres of jurisdictional waters on site: 0

Position of jurisdictional waters in landscape and watershed:

Not Applicable

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.3

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland was depressional and completely surrounded by uplands. It supported the following vegetation: red maples, green ash, American elm, sensitive fern, jewelweed and poison ivy. The wetland was located along the toe of a rather steep slope, the top of which was lined with the back lots of residential houses. This topography is shown on the USGS topographic map. No seeps of other hydrologic indicators were present along the slope. The northern end of the wetland, located near Feura Bush Road, was the lowest point in elevation of the wetland. I observed the lands across the street, which were >20 year old residential developments, and saw no culverts, catch basins, storm sewers or other indications of any hydrology or possible hydrological connections to anything on this side of the street. The soil survey and USGS topo maps revealed a stream running roughly along the eastern boundary of the subject property. I walked over to this stream, which was still in existence and located on the adjacent lot. At no location did this stream come closer than 200-300 feet to this wetland. The existing house, which was built in 1835, barn, and upland lot were in between the stream and the subject wetland.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-00989  
**DATE OF DETERMINATION:** December 22, 2004  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
At the project site Y Date: October 22, 2003  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-25-46.9200 lon:74-22-36.1200  
Approximate size of site/property (including uplands) in acres: 62.3  
Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream								300	
Mudflat									
Sandflat									
Wetlands		1.78							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-00989

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 62.3

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFOIE

Total acres of jurisdictional waters on site: 4.52

Position of jurisdictional waters in landscape and watershed:

Hillside slope wetlands associated with ground-water discharge and intermittent stream.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (B)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS1E, PEM1E

Acres of this NJD aquatic resource within property: 1.71

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Hillside slope wetlands associated with ground-water discharge.

The aquatic resource ☒ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☒ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state waters # 2 and 3 (C and D)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM1E

Acres of this NJD aquatic resource within property: 0.06 (including 100 linear feet of intermittent stream)

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Small wetlands associated with run-off from site.

The aquatic resource ☒ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☒ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 4

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☐ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification:

Acres of this NJD aquatic resource within property: 0.01 (200 linear feet)

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland D flows into culvert then into this ephemeral stream, which dissipates into sandy soils.

The aquatic resource ☐ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☒ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.